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Factors Contributing to Unstated Paternity

Strategic Research & Analysis Directorate
Direction générale de la recherche et de l'analyse

Factors Contributing to Unstated Paternity

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1. Introduction

Prior research sponsored by the Research and Analysis Directorate of Indian and Northern Affairs Canada (INAC) (Clatworthy, 2001) examined the incidence and prevalence of unstated paternity among First Nations children born during the 1985-1999 time period. The study identified quite sizable variations in levels of unstated paternity among regions, and individual First Nations and among mothers by age group. The initial study, however, did not explore issues related to the underlying causes of unstated paternity. In an effort to further our understanding of this issue, the Research and Analysis Directorate, the Litigation Management and Resolution Branch, the Women's Issues and Gender Equality Directorate and the Indian Registration and Band Lists Directorate (IRBL) have commissioned further research to gather and analyse information from several parties involved in the processes of birth and Indian registration. This information is believed to be central to gaining a better understanding of why unstated paternity is occurring and what may be done to ensure that First Nations parents are better able to comply with the requirements of the birth and Indian registration processes.

The remainder of this report is structured into four sections. A brief description of the unstated paternity issue and key findings of the initial research study are presented in Section 2. Section 3 describes the objectives, scope and approach to this study, as well as its main sources of information. A discussion of the main findings of the research is presented in Section 4. Section 5 provides a summary of the key issues uncovered in the research and suggests some actions that may be undertaken by Indian Affairs, First Nations and others in response to these issues.

2. Implications and Prevalence of Unstated Paternity

2.1 Why is Unstated Paternity Important?

Heightened interest in the issue of unstated paternity emerges, in part, from changes to the rules governing entitlement to Indian registration that were introduced as part of the 1985 amendments to the Indian Act (Bill C-31). Prior to these changes, children with unreported fathers were allowed to register provided that their registration was not successfully protested within 12 months (i.e. the father was proven to be non-Indian).

Under the rules introduced by Bill C-31, a child's entitlement to registration is based on the registration characteristics of the child's parents. Section 6 of Bill C-31 allows for children to be registered under one of two sub-sections:

> ***Section 6(1)***, where both parents of the child are entitled to registration; and
>
> ***Section 6(2)***, where one of the child's parents is entitled to registration under Section 6(1) and the other parent is not registered.

When a child's father is not reported, the child's registration entitlement can only be based on the mother's entitlement. In cases where the father is unreported and the mother is registered under Section 6(1), the child would be entitled to registration under Section 6(2). Where a child's mother is registered under Section 6(2) and the father is unreported, the child is not entitled to registration. Under the current rules, ***failure to report a registered Indian father results in either inappropriate registration of the child (i.e. under Section 6(2) as opposed to 6(1)), or denial of registration and loss of associated entitlements, benefits and privileges.***

2.2 How Common is Unstated Paternity?

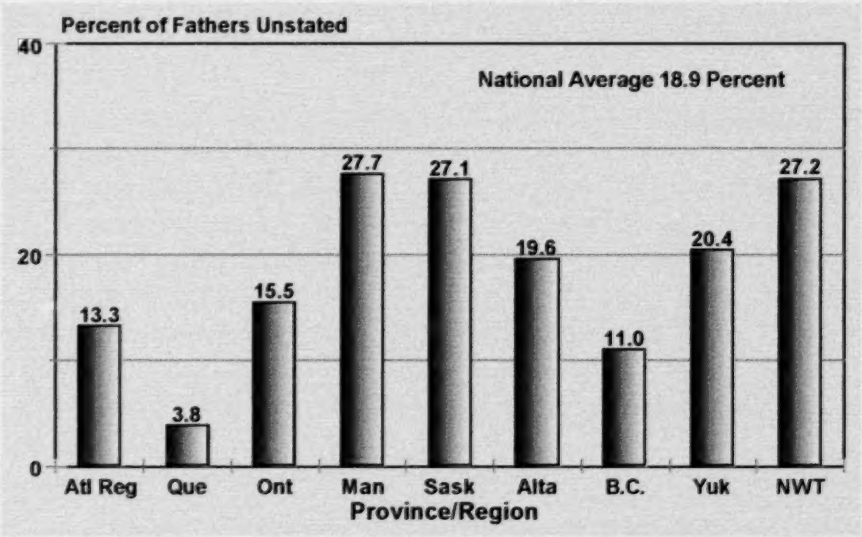
The Indian Register has been recording data on unstated fathers since 1984. Because the Register does not identify children who are not eligible for registration, estimates of the prevalence of unstated paternity can only be developed for children born to women registered under Section 6(1).[1] Based on analysis of the Indian Register data for the April 17, 1985 to December 31, 1999 period, roughly 37,300 children born to women registered under Section

[1] Children with unstated fathers who are born to women registered under Section 6(2) are not entitled to Indian registration and are not contained on the Indian Register.

6(1) have unstated fathers. This number represents about 19 percent of all children born to Section 6(1) women during this period.

Regional level estimates, which are presented in Figure 1, reveal that the prevalence of unstated paternity is especially high in the provinces of Manitoba, Saskatchewan and in the Northwest Territories. In these regions, more than one in every four children born to women registered under Section 6(1), during the 1985-1999 period, have unstated fathers. Substantially higher rates of unstated paternity were identified for several individual First Nations.

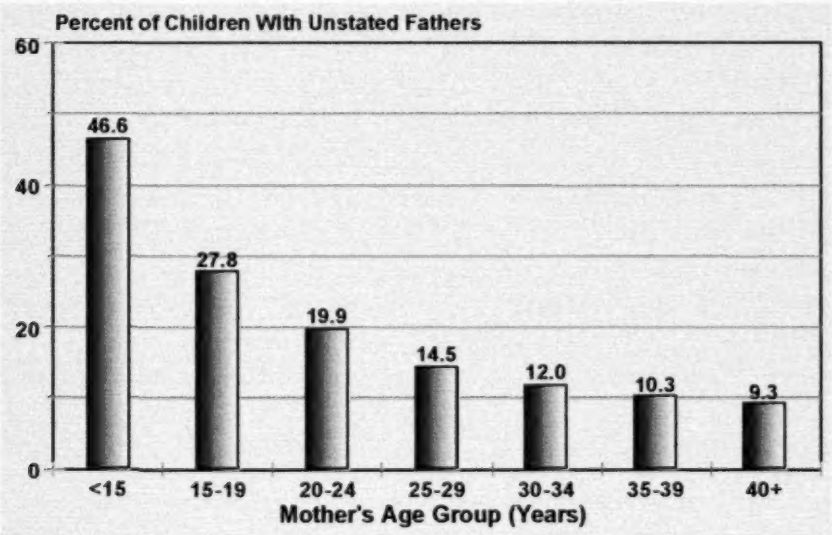
Figure 1
Estimated Prevalence of Unstated Paternity Among Children Born to Mothers Registered Under Section 6(1) by Province/Region, Canada, 1985-1999



Although direct measures of unstated paternity can not be developed for children born to women registered under Section 6(2), indirect estimates for the 1985-1999 period, suggest that as many as 13,000 of these children may have unstated fathers and do not qualify for Indian registration.

Previous research has also identified that unstated paternity is highly correlated with the age of mothers at the time of birth. As illustrated in Figure 2, rates of unstated paternity among children born to teen-aged mothers greatly exceed the national average. During the 1985 to 1999 period, about 30 percent of all children with unstated fathers were born to mothers under 20 years of age.

Figure 2
Estimated Prevalence of Unstated Paternity Among Children Born To Mothers Registered Under Section 6(1) by Age of Mother At Birth of Child, Canada, 1985-1999



3. Study Objectives, Scope and Approach

The current study seeks to build upon prior research by exploring some of the issues that may be contributing to unstated paternity. The study has two main objectives, including:

- to document the views of those involved in the processes of birth registration and Indian registration concerning factors that are perceived to be contributing to unstated paternity; and

- to identify what actions may be taken by Indian Affairs, First Nations and others to better ensure that the decisions of Indian parents with respect to paternal disclosure are made in an informed fashion and reflect their intentions.

In designing this study, it was recognized that although unstated paternity may reflect the intentions of one or both parents, it may also result from a lack of knowledge or understanding of the issue and/or difficulties in complying with the requirements of the birth registration and Indian registration processes. A large number of actors are involved in the birth and Indian registration processes, including parents, community health care staff, hospital maternity ward staff, provincial Vital Statistics, First Nations registration administrators and regional INAC managers of Indian registration. All of the actors have some role in the process and may be in a position to provide information which may be useful in understanding what is happening.

The study attempted to obtain input from each of these groups, via either focus groups, structured telephone interviews or e-mailed questionnaires. Difficulties, however, were experienced in obtaining (first hand) the views of First Nations parents. In this regard, the study attempted to arrange two focus groups with recent mothers and registration administrators. Five First Nations were contacted to explore opportunities to conduct sessions in their communities. Two administrators reported that they were unable to obtain the support of their Chief and Council to hold focus groups. The remaining three administrators reported that few mothers were willing to participate in a focus group over the summer period. To partially compensate for the lack of direct input from recent mothers, the survey of First Nations registration administrators was increased from a sample of 100 to 135.

Telephone interviews were conducted with three groups, including:

- a national sample of First Nations registration administrators concerning their role/practices in relation to the Indian registration process, paternal non-disclosure and perspectives concerning the reasons for paternal non-disclosure;

- regional INAC registration managers concerning the requirement of the Indian registration process and training of First Nations registration administrators;[2]

- provincial/territorial Vital Statistics department representatives (except in Prince Edward Island and Ontario)[3] concerning their policies and procedures related to birth registration, paternal non-disclosure, requirements related to birth registration amendment and fees and charges.

Resources available to the study did not permit a broad survey of community health staff or hospital maternity ward staff. Telephone interviews were held with three community health nurses and three unit managers responsible for hospital maternity wards. The interviews with community health nurses focussed on their role with respect to providing information to expectant parents about the requirements of the birth registration process. Interviews with maternity ward unit managers focussed on the nature of supports/assistance provided to parents in relation to registering their child's birth.

Interview schedules associated with each of the respondent groups are contained in the report's Appendix A.

3.1 The Survey of First Nations Registration Administrators

The telephone survey of First Nations registration administrators constitutes the key source of information reported in this study. The interviews were designed to address the following issues:

- duration of employment as a registration officer;

- perceptions concerning the prevalence of unstated paternity among children born to members of their community;

- awareness and estimates of the numbers of children denied registration and First Nations membership as a result of unstated paternity;

- actions taken (and protocols) in relation to registration applications with unstated fathers;

---

[2] Interviews were held with all INAC regional registration managers except in Saskatchewan and the Atlantic region.

[3] Several unsuccessful efforts were made to contact Vital Statistics representatives in Ontario.

- information provided to applicant's parents (or guardians) concerning birth registration amendment;
- the nature and sources of birth and Indian registration information provided to community members and expectant parents;
- perceived needs (and responsibilities) for provision of additional information or education concerning the unstated fathers issue;
- where most births to community members occur (i.e. within or outside the community) and the distance (degree of accessibility) to the nearest maternity facility;
- perceptions concerning why paternity information is not reported; and
- perceptions concerning parental intentions versus compliance difficulties.

The survey's sample was structured to capture the viewpoints from a broad cross-section of First Nations that have assumed responsibility for administering Indian registration. Three groups of First Nations were excluded from the sample, including:

- First Nations located in the Northwest Territories[4] (where Indian registration is administered directly by the regional INAC office);
- First Nations where Indian registration is administered by a tribal council office; and
- First Nations which reported less that 10 registered Indian births during the 1985-1999 time period.

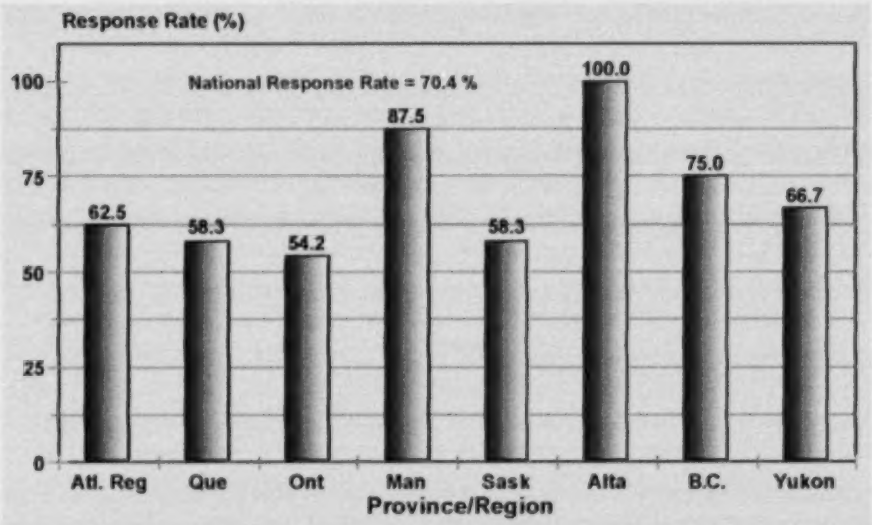
The remaining 414 First Nations were assigned to one of three groups based on their measured rate of unstated paternity during the 1985-1999 period. The initial group (Group 1) included 113 First Nations with rates of unstated paternity below 10.0 percent. A second group (Group 2) included 260 First Nations where rates of unstated paternity ranged from 10.0 to 29.9 percent. Forty-one First Nations with rates of unstated paternity of 30.0 or more percent formed a third group (Group 3).

Samples of 24.8, 33.1 and 51.2 percent were drawn at random from the three groups, respectively, resulting in a total sample of 135 First Nations. Interviews were completed for 95

[4] Not all First Nations have assumed the responsibility for administering Indian registration. In the case of First Nations in the Northwest Territories, the process is administered by the regional INAC office. A special interview was conducted with the INAC registration manager of the Northwest Territories to obtain information for First Nations in that region.

First Nations, representing a response rate of 70.4 percent at the national level. Group response rates ranged from 67.9 percent (for Group 1) to 71.4 percent (for Group 3). Response rates for all provinces/regions exceeded 50 percent (Figure 3).

Figure 3
Response Rates for First Nations Registration Administrator Survey by Province/Region, 2001



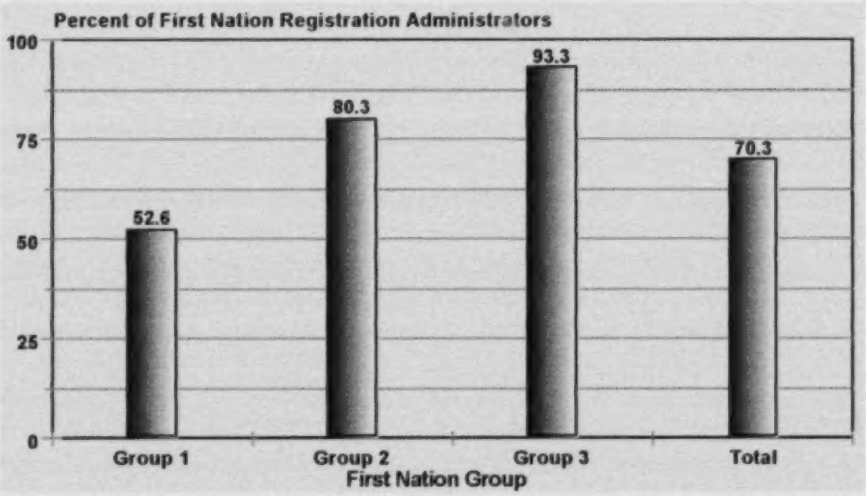
The survey of First Nations registration administrators did not experience any refusals. Interviews could not be completed for 40 First Nations (included in the sample) primarily as a result of difficulties with respect to contacting the registration administrator.

4. Main Findings

4.1 Recognition and Perceived Impacts of Unstated Paternity

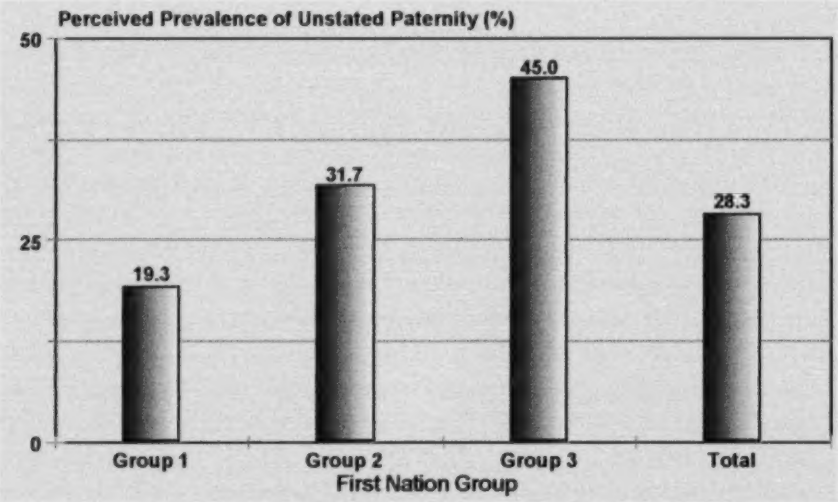
All of the INAC regional registration managers interviewed for this study reported that unstated paternity was common within their region. This view was shared by a sizable majority (70.3 percent) of the First Nations registration administrators who participated in the survey. Not surprisingly, registration administrators in First Nations with higher measured rates of unstated paternity were more likely to report unstated paternity to be common in their community (Figure 4).

Figure 4
Proportion of First Nation Registration Administrators Reporting Unstated Paternity to be Common in Their Community by Survey Group, Canada, 2002



Rates of unstated paternity estimated by First Nations registration administrators varied widely and averaged 28 percent at the national level. This estimate is about 10 percent higher than that measured from data contained on the Indian Register. As expected, estimated rates of unstated paternity were clearly patterned over survey groups (Figure 5) and were reported to be substantially higher among First Nations with high (i.e. Group 3) as opposed to low (i.e. Group 1) measured rates of unstated paternity.

Figure 5
Rate of Unstated Paternity Estimated by First Nations Registration Administrators by Survey Group, Canada, 2002

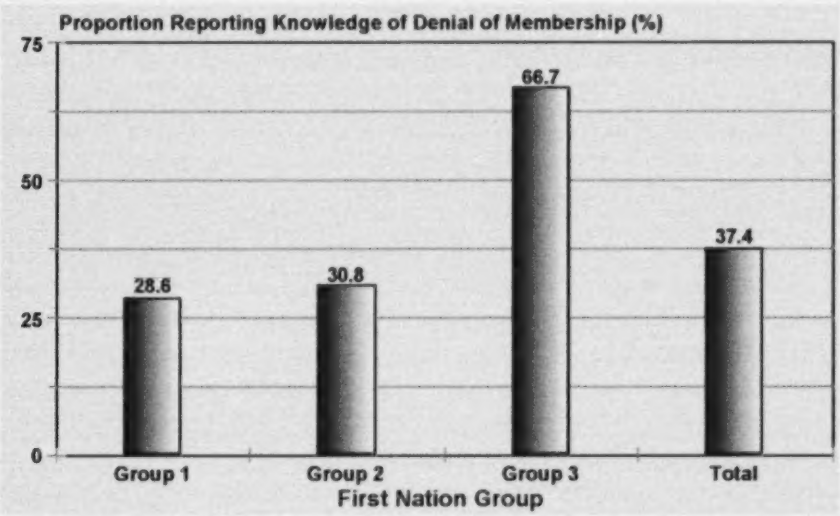


Unstated paternity is also widely believed by First Nations registration administrators to have resulted in loss of registration entitlement among some children in their community. More than two-thirds of survey respondents reported that they knew of children who failed to qualify for registration due to unstated paternity. For First Nations with high measured rates of unstated paternity, loss of registration entitlement among children with unstated paternity was noted by more than 86 percent of the survey's respondents.

First Nations registration administrators surveyed for this study reported 1,271 children with unstated fathers who have been denied registration. Based on the estimates provided by survey respondents, about 4,480 children with unstated fathers have failed to qualify for Indian registration at the national level.

Paternal information may also be a critical factor in determining a child's eligibility for First Nations membership, especially in First Nations that use Indian Act, blood quantum or two-parent membership rules. Unstated paternity was identified by more than 37 percent of the respondents to this study's survey to have resulted in loss of eligibility of First Nations membership for some children. For First Nations with high measured rates of unstated paternity (i.e. Group 3), loss of membership eligibility among children with unstated fathers was reported by two-thirds of survey respondents (Figure 6).

Figure 6
Proportion of First Nations Registration Administrators Reporting Loss of Membership Eligibility Among Children With Unstated Fathers by Survey Group, Canada, 2002



4.2 Training, Experience and Resources of First Nations Registration Administrators

First Nations registration Directorate administrators receive training through INAC's IRBL. Among other things, this training covers the rules surrounding entitlement, required documentation and related forms and includes the topic of unstated paternity. According to the INAC regional registration managers surveyed for this study, First Nations administrators have the knowledge and training necessary to accurately inform and assist parents in relation to complying with the requirements of birth and Indian registration. Some INAC regional managers have arranged special information sessions on the topic of unstated paternity.

In addition to training, most of the survey's respondents reported considerable job experience as a registration administrator. Roughly three-quarters of those surveyed indicated that they had been employed as a registration administrator for more than three (3) years. Nearly one-half of respondents reported employment at their job for at least six (6) years. In general, lack of training or inexperience on the job does not appear to be a contributing factor to unstated paternity.

Although trained and experienced at the job, many First Nations registration administrators identified a shortage of resources in relation to responding to the needs of parents and the broader community on the issue of unstated paternity. More than 40 percent of survey respondents indicated that printed material (e.g. pamphlets and handouts) concerning birth, Indian registration and unstated paternity were needed. About 29 percent of respondents also felt that print materials needed to be augmented by other awareness and educational initiatives such as group workshops or information sessions and through personal contact with expectant parents. The need for additional resources to support increased awareness and educational initiatives was echoed by a majority of the INAC regional managers interviewed for this study.

4.3 Parental and Community Awareness and Knowledge

Based on the responses of First Nations registration administrators, some efforts are underway to inform expectant parents (specifically mothers) about birth and Indian registration in most (about 78 percent of) First Nations communities. Initiatives were most frequently undertaken by registration administrators themselves (57 percent of respondents) and by community health staff/nurses (32 percent of respondents). Several other agencies (mostly involved in social service provision) were also identified by a smaller number of respondents. Although some actions are being taken in most communities, most (90 percent of respondents) noted that their community did not have a comprehensive system in place for conveying information to all expectant parents. Eighty-nine (89) percent of respondents did not view current information and educational efforts for expectant parents concerning the requirements of birth and Indian registration (and the consequences of unstated paternity) to be satisfactory.

The survey's findings also suggest that most communities presently lack a focal point or locus of responsibility related to awareness, information and educational activities pertaining to the issue of unstated paternity. About 40 percent of the First Nations registration administrators surveyed believed that they should assume the lead role in this regard. About 23 percent of respondents, however, thought that information should be delivered through community health staff as part of pre-natal care programs. This latter view, however, was not shared by the community health nurses interviewed for this study, who noted that they do not have adequate training on the issues, nor sufficient time to take on additional job responsibilities.

A significant proportion (more than 25 percent) of respondents also stated that awareness and educational initiatives were required not only among parents but also among other segments of the community. There is widespread perception among respondents that most people in their community do not understand the rules related to Indian registration, the distinction between registration under Sections 6(1) and 6(2) and the impact of unstated paternity on a child's registration entitlement. Several respondents (about 20 percent) noted the need for a special focus on early teens and pre-teens, a concern which appears to be linked to frequent births to teen-aged parents.

4.4 Requirements Concerning Birth and Indian Registration Processes

Information on the requirements and process of birth registration was obtained through telephone interviews with representatives of provincial/regional Vital Statistics departments in all provinces/regions, except Prince Edward Island and Ontario. Most of the required information for Ontario and Prince Edward Island was available on their departmental web-sites. This sub-section of the report provides a brief description of the processes followed in relation to birth registration in each region, as well as the requirements associated with amending paternal information once a birth has been registered.

4.4.1 Birth Registration

In general, the process of registering a birth is similar across provinces/regions. Up to three forms may be required to register a child's birth. A ***notification of live birth*** form, completed by medical facility staff, records information concerning the time and place of birth, the mother (including Indian registration status) and the baby (e.g. gender, birth weight, etc.). This form does not record information concerning the child's father. Copies of this form are forwarded to Vital Statistics and Health Canada within five (5) days of the birth. A copy of the form is also provided to the mother.

A ***registration of birth*** form, completed by the parent(s), records information on the date and place of birth, the mother and (if reported) father, marital status of the parents and the name given to the child. All provinces/regions (except Quebec) require that this form be completed prior to leaving the hospital. If the birth occurs outside of a medical facility, it must be filed within 30 days. Maternity ward unit managers contacted for this study indicated that their staff try to be available to provide instructions to parents with respect to completing the required forms. It was also noted, however, that staff do not always have sufficient time to provide explanations, nor to ensure that the registration forms are being completed properly.

The requirements for parental identification on the registration of birth form differ among provinces/regions. In Ontario, Quebec, Saskatchewan, British Columbia, Prince Edward Island, New Brunswick and Alberta, this form must be signed by both parents in situations where the mother and father are not married. If the mother does not wish to identify the father, a declaration to that effect (signed by the mother) is required in Prince Edward Island, Saskatchewan, Quebec and Ontario. In all of these regions, when both parental signatures are required (but are not present) on the birth registration form, Vital Statistics informs the parent(s) of this requirement by mail (normally within 30 days). If all information and signatures are not submitted within roughly 60 days, the father's information (if present on the original form) is stricken from the birth registration.[5]

In other provinces/regions (including Manitoba, Yukon Territory, Nova Scotia and the Northwest Territories), only one parental signature is required on the birth registration form. In these regions, if information concerning the father is not reported on a birth registration form which has been signed by the mother, it is interpreted to mean that the mother does not wish to disclose the father's identity. If the parents are unmarried and the parents wish to have the father's information included, a ***joint request form***, signed by both the mother and father must also be submitted. This form must be filed within 30 days (although some flexibility appears to be exercised in some regions). In these regions, if the joint request form is required but not received within 30 days, Vital Statistics sends a letter reminding the mother of the requirement to submit the form (a copy of which is included in the letter). If the joint request form (signed by both parents) is not returned within roughly 30 days from the date of reminder, the father's information is stricken from the child's birth registration.[6]

Efforts to promote compliance with birth registration information requirements is shared between Vital Statistics and INAC in the Northwest Territories. In this region, INAC is notified (by Vital Statistics) of all births to registered Indian women and assumes some of the functions related to ensuring that required birth registration information is completed by parents.

4.4.2 Amending Birth Registration Information

In general, procedures for amending or adding to information contained on a birth registration are also similar among provinces/regions. Vital Statistics departments in most provinces/regions allow for changes to birth registration information to be made free of charge during the initial 60 days following the date of registration. After this time, paternity information may be added by filing a joint request form, affidavit or declaration of paternity document identifying the father's particulars (e.g. name, current address, place and date of birth) and signed by both the mother and father. In most regions (except Saskatchewan, Manitoba,

---

[5] One additional reminder is provided in the province of Alberta.

[6] One additional reminder is provided in the province of Manitoba.

Prince Edward Island and Nova Scotia), documentation must not only be witnessed but also signed by a notary or some other person authorized to take oaths.

Administrative fees are charged by all provinces/regions for birth registration amendments. The charges range from $20 to $70. In the province of Quebec, the addition of paternal information to a birth registration may also require posting the amendment in a gazette. This would require an additional charge reported to be about $100. In British Columbia, amendments to paternity information made after six (6) years have an additional requirement of medical (DNA) proof and an administrative fee of $27. In all provinces/regions, birth registration information can also be amended pursuant to a court order.

4.4.3 Indian Registration

Similar requirements exist across all INAC regions with respect to Indian registration. These requirements include:

- parental consent forms requesting the child's registration;
- a "framing size" birth certificate for the applicant which identifies both the mother and father (if reported); and
- statutory declarations and guardianship papers (if applicable).

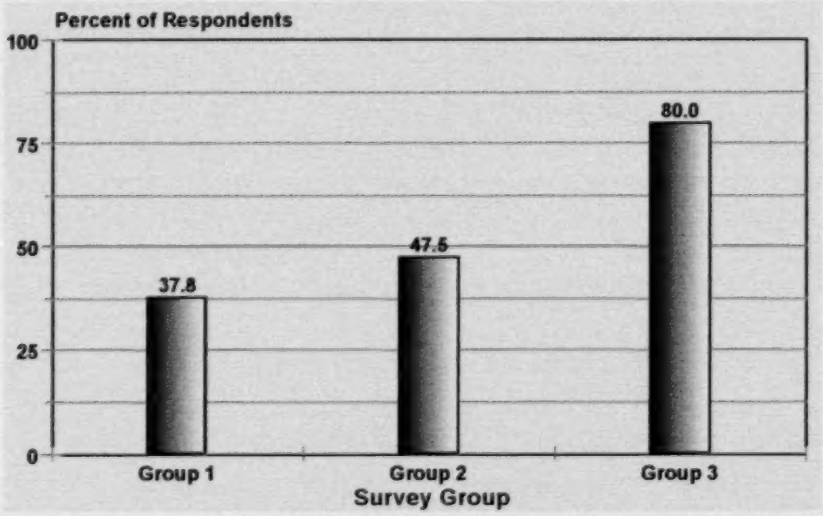
With the exception of the Northwest Territories, information needed for purposes of registration is compiled by First Nations registration administrators and forwarded to the regional INAC office where it is vetted for completeness and entered into the Register. Regional offices also receive registration requests and applications directly via mail, fax and "walk-in", as well as through provincial child and family services agencies (who have entitled children in their care).

The Indian registration process in the Northwest Territories continues to be administered entirely through the regional INAC office. The regional office receives documentation from Vital Statistics for all birth registrations involving a registered Indian parent and the office arranges to acquire the remaining documentation (e.g. parental consents, etc.) from the parent(s). The regional office also provides resources for notarizing birth registration amendment documents.

4.5 Compliance With Birth and Indian Registration Requirements

As noted previously in this report, a substantial majority of survey respondents noted that many parents are unaware of (or do not understand) the birth registration requirements and the importance of paternal information. Not surprisingly, difficulties experienced by parents in complying with the requirements of the birth registration process are widely viewed to be a contributing factor to unstated paternity. Slightly more than one-half (53 percent) of the respondents to the First Nations registration administrator survey attributed unstated paternity to birth registration compliance problems. As illustrated in Figure 7, the proportion of respondents that identified compliance difficulties was higher for communities with higher measured rates of unstated paternity (i.e. Groups 2 and 3). The most common explanation in this regard derives from the logistics of obtaining required signatures on registration forms. Most (more than 77 percent) of the First Nations contacted for this study reported that births normally occur at medical facilities located outside of the home community. In many cases (and especially in more remote communities), fathers to not accompany the mother and are not available to sign the required documents at the medical facilities following the child's birth. This results in birth registration documents which lack the father's signature being forwarded to Vital Statistics by medical facility staff.

Figure 7
Proportion of Registration Administrators Reporting Birth Registration Compliance Difficulties as the Cause of Unstated Paternity by Survey Group, Canada, 2002



Vital Statistics staff in all of the regions contacted for this study confirm that they receive many birth registrations which contain the father's identity, but which have not been signed by the father or accompanied by a signed joint request form. Subsequent efforts by Vital Statistics to obtain signed documents frequently meet with no response.

Data collected in the study's survey of registration administrators concerning proximity to the nearest maternity facility lend support to the above explanation of events. As illustrated in Table 1, communities that display higher measured rates of unstated paternity (i.e. Groups 2 and 3) are more likely to lack community-based maternity facilities and are more distanced from maternity facilities.

Table 1
First Nations Respondent Community Showing Proportion Lacking Community-Based Maternity Facilities and Average Distance to Nearest Maternity Facility, Canada, 2002

Accessibility Indicator	Group 1	Group 2	Group 3
Number of Respondent First Nations	19	61	15
Percent Lacking Community Facility	68.4	78.7	86.7
Average Distance to Nearest Facility (km)	112.1	169.9	213.5

In many First Nations, lengthy delays between the time of birth registration and Indian registration are common. These delays in registration are believed by many respondents to result in additional barriers to paternal disclosure as they contribute to increased difficulties in relation to amending birth registration documents. These difficulties can result from many factors including:

- dissolution of relationships between mothers and fathers;
- requirements for additional paternal evidence and document notarization; and
- administrative charges for changes requested after amendment deadlines have past.

The breakdown of parental relationships between the time of birth and the time of Indian registration was noted by 80 percent of the survey respondents as a factor resulting in unstated paternity.

Although compliance difficulties are widely believed to be a frequent cause of unstated paternity, a large minority (about 47 percent) of First Nations registration administrators expressed the view that unreported paternity most often reflects the intentions of one or both parents (most commonly the mother). Many specific factors were noted in this regard, including:

- unstable family and partnering relationships (e.g. mother wants nothing to do with the father) (80 percent of respondents);
- father's denial of paternity (21 percent of respondents);
- confidentiality concerns of the mother (e.g. mother does not want the father's identity to be known to other community residents) (17 percent of respondents);
- child custody concerns (e.g. mother afraid of father gaining access to the child) (10 percent of respondents);
- mother afraid of losing Indian registration or First Nations membership (3 percent of respondents);
- unwillingness to pay administrative fees for birth registration changes (2 percent of respondents).

4.6 Other Possible Factors

Although the surveys conducted for this study were not designed to question the role of culture or traditions as possible causes of unstated paternity, this issue was raised within the specific context of some First Nations in the Northwest Territories. By tradition, some First Nations in this region do not name their children at birth. Names are given later by grand-parents at the time of baptism or at ceremonies. For purposes of birth registration, a child is initially registered as "un-named" and will remain un-named (on the official birth registry system) unless an amendment is subsequently filed to name the child. This can give rise to situations where a father is (for legal purposes) "un-named" and lead to the requirement for the father's birth registration to be amended in order to have his identity included on his child's birth registration.

5. Summary and Recommended Actions

Based on the evidence provided by respondents to the study's surveys, unstated paternity frequently results from difficulties experienced by parents in complying with the requirements of the birth registration process. In many instances, these difficulties appear to be associated with lack of awareness and understanding of requirements and of the importance of paternal identity in the process of establishing a child's registration entitlement.

At the same time, it is clear that a significant portion of unstated paternity reflects the intentions of parents. These intentions, however, are influenced by the social conditions of the community and by personal circumstances, especially the nature of the relationship between parenting partners. In the context of many First Nations communities, partnering frequently involves births to unmarried couples and unstable and occasionally violent relationships. These situations can, in turn, lead parents to believe that paternal non-disclosure is the best course of action. Interventions to promote constructive changes to community social conditions and relationships between parents are clearly needed. Such changes, however, are likely to be very difficult to achieve quickly.

The study's focus on possible actions in response to unstated paternity relates to actions that may be undertaken by INAC, First Nations and others in the immediate term to better ensure that unstated paternity does not occur unintentionally, as a consequence of failure to understand or satisfy the requirements of the birth and Indian registration processes. Some of these suggested actions may also serve to change the intentions of mothers and fathers concerning paternal disclosure.

5.1 Make Unstated Paternity a Departmental Issue

All of the INAC regional registration managers and many of the First Nations registration administrators who responded to the survey believe that the department should be more involved in responding to the issue of unstated paternity, especially as the resource provider and catalyst for action. Although many First Nations are presently taking some actions in this regard, they generally lack the resources and capacity to effect changes among most of the other actors involved in the issue (e.g. provincial/territorial Vital Statistics, regional hospitals). Some limited actions (training and awareness sessions with First Nations administrators) are also being taken by the department through its regional offices. The issue, however, does not appear to have much profile in the national office and little (if any) dedicated resources.

Efforts to address the high rate of unstated paternity should be driven, coordinated and supported by the national office through the development and implementation of a policy or initiative. In light of regional variations in First Nations traditions and cultural practices, rates of unstated paternity and provincial/ territorial birth registration practices, the development and implementation of a centrally supported initiative must clearly recognize regional contexts and be informed by and coordinated with First Nations registration administrators, regional INAC managers and provincial/territorial Vital Statistics representatives.

5.2 Establish More Clearly Who is to Do What

At the present time, many First Nations communities do not appear to have in place adequate procedures for ensuring that all prospective parents receive information concerning the requirements of the birth and Indian registration processes and the consequences of unstated paternity (prior to the birth of their child). Current activities for informing parents appear to be fragmented among several parties (First Nations registration administrators, health care providers and social service agencies). While the provision of information from several sources may be beneficial (as it may improve the likelihood that information reaches parents), someone needs to assume the responsibilities for leadership, organization and coordination among the parties on this issue at the community level.

Based on the responses to the study's surveys, these functions are believed to be best performed by First Nations registration administrators, who have received formal training on the issue. ***First Nations registration administrators should be mandated and adequately resourced to provide leadership, organizational and coordination of First Nations initiatives concerning unstated paternity.*** In this regard, First Nations registration administrators (in collaboration with others involved) should consider the development of plans which outline the activities that need to be undertaken in their community and the resources required to support its implementation. ***The department could assist in this process by making resources available to support the development and implementation of community plans for responding to unstated paternity.***

5.3 Provide Resource Materials and Information Packages for Parents

Although a few First Nations reported that they had developed some resource materials for parents concerning the issues of birth, Indian registration and unstated paternity, most reported that such materials were presently unavailable. This view was shared by most of the INAC regional managers who responded to the survey.

The department should consider developing and funding the production of information packages for prospective parents (e.g. pamphlets and other print materials) concerning both the birth registration and Indian registration processes and the consequences of unstated paternity for a child's registration entitlement. As the requirements (and documentation) associated with birth registration vary somewhat by province/region, these information packages should be tailored to specific regional contexts.

5.4 Support Other Types of Parental Information/Education Initiatives

Many First Nations registration administrators expressed the view that printed materials (e.g. pamphlets, etc.), although much needed, should be supplemented with other educational initiatives aimed at parents. Education workshops (or other group format sessions) with parents were regarded to be needed to better ensure that parents understand registration requirements and the importance of paternal information.

The department should consider provision of some resources to support periodic educational sessions specifically for parents. These sessions should be arranged and delivered by First Nations registration administrators.

5.5 Add Indian Registration Information to Birth Registration Kits

Current birth registration kits distributed to parents at maternity facilities do not contain information identifying the relationship between birth registration, Indian registration and the importance of paternal information. Including such information in birth registration kits (or developing kits for registered Indian parents) could facilitate better compliance with existing requirements. The effectiveness of this strategy may be further enhanced by also providing contact information for individuals who can provide assistance or additional information (e.g. a list of First Nations registration administrators in the region) to registered Indian parents.

The logistics of adding materials to existing registration kits should not be problematic. Birth registration kits in most provinces/regions already contain information and forms which are not essential to registering a child's birth (e.g. most include application forms for the child tax credit). Registration kits specific to registered Indian parents could also be considered as hospital staff have the ability to identify registered Indian parents (either by reviewing the notification of birth document which identifies the registration status of the mother or by asking the mother whether she or the child's father is registered).

The department should consider developing appropriate information and resource materials and arrange for these materials to be included in birth registration kits for registered Indian parents.

5.6 Support Broader Community Education Activities

The study has identified a widespread view among First Nations registration administrators that most community residents do not understand the rules governing Indian registration and how unstated paternity can affect a child's entitlement (and in the longer term the future of the First Nation). Broader education initiatives concerning these issues may serve to increase community awareness of these issues and an appreciation of the importance of paternal disclosure. The study has also noted that unstated paternity is especially pronounced among children born to young mothers. A special educational focus is widely regarded to be needed within the educational system among the junior high school age groups (early teens).

The department should consider developing and producing information materials concerning the rules governing registration and the consequences of unstated paternity to support community education activities administered by First Nations registration administrators. ***The department should also consider providing support for the development of a curriculum module on these issues for inclusion in junior high and high school education programs.***

5.7 Change the Way That Some Things Are Done

As noted previously, most provinces/regions require that birth registration forms be completed prior to the mother's release from a maternity facility. As many fathers do not accompany the mother to maternity facilities located outside of their home community, fathers do not have a timely opportunity to sign required documents. Follow-up efforts by provincial/regional Vital Statistics offices to obtain documentation and signatures are frequently not successful. Many provinces also require that requested amendments to birth registration (including the additional of the father's identity) be notarized or accompanied by other legal evidence. These requirements may be difficult or expensive to fulfil for parents in some more isolated communities. This situation suggests that changes to the current rules and procedures should be explored to promote higher levels of initial compliance and to facilitate subsequent amendments.

The department should explore with provincial/regional Vital Statistics agencies whether opportunities exist to change current procedures and requirements. For example, can joint request forms (or equivalent attestations of paternity) be signed by a father prior to the mother's departure from the community to give birth? Can acceptable alternatives to formal notarization be developed for purposes of amending birth registrations at a later date? Can the department make the services of a notary available periodically in communities which lack this service?

Appendix A - Interview Schedules

Questions for INAC Indian Registration Managers

How common is non-disclosed paternity (i.e. where a child's father is not identified for purposes of Indian registration) in your region?

Have you discussed this issue with First Nations registry clerks or held workshops or information sessions with them on this issue?

Do you think that the First Nations registry clerks in your region have sufficient information concerning unstated paternity and how registration entitlement is established for children with unstated fathers?

Do registry clerks in your region have any protocols for informing mothers (caregivers) who are registering children about how registration entitlement is established in cases of unstated paternity?

Have you looked into any factors that might be responsible for non-disclosed paternity?

Can you describe the general process followed (or sequence of events) with respect to birth registration and Indian registration in your region?

Are you aware of any problems in the birth registration or Indian registration processes which could lead to mothers not identifying the father of a child?

Do you think there is a need for expectant mothers (and fathers) to be better informed about the birth and Indian registration processes and the registration consequences of unstated paternity for their child? If so, how do you think this might be best accomplished and who should take the lead in providing or disseminating this information? What role should the department (INAC) play is this process?

Are you aware of someone specific in the provincial/territorial birth registration department (e.g. Vital Statistics) who I can talk to concerning some aspects of the birth registration process and the process of amending birth registration information?

Questions for Vital Statistics Staff

Can you provide a general description of the process and forms involved in registering a birth in your province/region? What forms are required and at roughly what time are these forms to be forwarded to your department? Would it be possible to obtain a blank copy of the form(s) used (If so, provide mailing address)?

What are the requirements for birth registration in cases where the mother and father are not married? Is the father required to sign a document in order to be identified as the child's father? If so, what document has to be signed and within what time frame?

In cases where a father is not identified, what actions (if any) does your department take? Is the mother informed of the missing information by letter? If so, about how soon is this letter sent to the mother and what is the general content of the letter?

Is a second or third letter also sent in cases where no response is received following the first letter?

We are aware that in many cases where the parents are not married, the father's identity is reported on the birth declaration document, but the father has not signed the appropriate document(s). What actions are taken by your department in situations such as this?

At what point in time would the child be registered without the father's identity?

In cases where a father has not signed the required document, is the father's information removed from the original document or simply not included on the birth registration?

In cases where a birth has already been registered without the father's identity, what are the requirements associated with having the father's information added at a later time? What documentation does your department require in this regard?

Are there any costs associated with having the father's information added to the birth registration? If so, how much?

Questions for First Nations Registry Clerks

How long have you worked in the registration department of your First Nation?

Based on your experience, is it very common to receive an application for Indian registration where the applicant's (i.e. child's) father is not identified?

About what percentage of applicants (i.e. children) have missing information concerning their father's identity?

Are you aware of any children who have not qualified for registration due to missing information concerning their father's identity? If so, about how many children?

Has your First Nation adopted its own rules for determining membership? If so, are you aware of any children that have not qualified for membership due to missing information concerning their father's identity? If so, about how many children?

When you receive an application for registration that is missing information about the father, do you inform the child's mother (or guardian) about the missing information and what this means for the child's registration status?

In cases where a father is not identified, do you provide information to the child's mother (or guardian) concerning how information on the child's birth registration documents can be amended?

Do expectant mothers in your community receive any information about how to register the child's birth (i.e. prior to the birth)? If so, who provides this information?

Do you think mothers need better information about how to register a child's birth and the implications for the child when the child's father is not identified? If so, how do you think this should be done and who should do this?

Where do most mothers who live in your community give birth to their child:

- At a local community medical facility?
- At a medical facility outside the community? (About how far away is this facility?)
- At home?

Based on your experience, do you have any views or opinions concerning why information concerning fathers is missing?

In most cases, do you think this is happening intentionally or does it result from problems complying with the birth registration process?

Questions for Community Health Care Workers

How long have you worked as a health care provider in this community?

As part of your job do you offer pre-natal information classes for expectant parents? If yes, do most parents attend these sessions?

Do you provide parents with information about how to register their child's birth? How is this generally accomplished?

Do parents have access to this information from others in your community? If so, who provides this information?

In your opinion, do parents in your community need more information in this regard? If so, who should be providing this information?

Questions for Maternity Facility Unit Managers

How long have you worked in the maternity unit of this facility?

About how many Indian mothers give birth to children at your facility during a typical year?

Can you explain what services are provided by you or your staff to parents (or mothers) with respect to registering their child's birth?

Are your staff sufficiently knowledgeable about birth registration requirements to provide help to parents in this regard? Are you or your staff normally available to provide assistance in this regard?

Do you or your staff check birth registration forms completed by parents to ensure they have been done properly?

If needed signatures are missing do you or your staff alert the parents to this situation?